

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 4, 2007

Signature: 

(Arthur S. Ortega)

Docket No.: SONY 3.0-026
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:
Siegel et al.

Application No.: 09/805,534

Group Art Unit: 2161

Filed: March 13, 2001

Examiner: E. P. Leroux

For: METHOD AND SYSTEM FOR
DISTRIBUTING PRODUCT
INFORMATION

APPELLANT'S REPLY BRIEF ON APPEAL

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present Reply Brief on Appeal is responsive to the Examiner's Answer mailed April 5, 2007.

STATUS OF CLAIMS

Claims 1, 2, 4-9, 12 and 14-20 are pending in the present application. Claims 3, 10, 11 and 13 have been canceled. Claims 1, 2, 4-9, 12 and 14-20 were rejected in a final office action and such final rejection of claims 1, 2, 4-9, 12, and 14-20 is being appealed.

A. New issue regarding limitations in the claimed invention

In the Examiner's Answer, the Examiner, for the first time, states that he is unable to find the limitation "setting one or more distinct update values indicating whether the first

entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code" in the claimed invention and thus is unable to respond. (Examiner's Answer 10-11).

B. Rejection Under 35 U.S.C. § 102

In the Examiner's Answer, the Examiner clarified his arguments with respect to how *Zollinger* anticipates the claimed invention under 35 U.S.C. § 102. (Examiner's Answer 9-10).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether the limitation "setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code" is found in the claimed invention.

B. Whether the Examiner's further clarification shows that *Zollinger* anticipates the claimed invention 35 U.S.C. § 102.

ARGUMENT

A. The limitation "setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code" is found in the claimed invention.

The Examiner, for the first time, states that he is unable to find the limitation "setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code" in the claimed invention and thus is unable to respond. (Examiner's Answer 10-11).

Appellant respectfully submits that the above claim limitation is clearly found in the claimed invention and discussed in the Appeal Brief.

For example, claim 1 of the present application recites in part "associating an identity of a first entity with at least one of the first or second codes including setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code." (emphasis added). Clearly, the above highlighted claimed limitation is the same as the claim limitation asserted in the Appeal Brief and discussed therein. (Appeal Br. 17).

Likewise, claims 6, 12 and 15 include a limitation directed to this feature using similar language. (Appeal Br. 17-18.) For example, claim 6 recites in part "determining whether the first entity is authorized to be sent the modified product information based on the entity-data association and a distinct update value that indicates whether the first entity should be sent the modified information." (emphasis added). Claim 12 recites in part "means for associating the identity of a first vendor with at least one of the first or second codes including setting one or more distinct update values that provide an indication of whether the first vendor is authorized to automatically receive changes to the first or second characteristic values." (emphasis added). Claim 15 recites in part "associating an identity of a first entity with at least one of the codes including storing one or more distinct update values indicating whether the first entity is authorized to automatically receive updates to a characteristic associated with a code." (emphasis added).

Thus, Appellant respectfully submits that the above claim limitations are clearly found in the claimed invention and discussed in the Appeal Brief.

B. The Examiner's clarification fails to show that *Zollinger* anticipates the claimed invention under 35 U.S.C. § 102.

In the Examiner's Answer, the Examiner clarified his arguments with respect to how *Zollinger* anticipates the claimed invention under 35 U.S.C. § 102. (Examiner's Answer 9-10). Despite such clarifications, *Zollinger* fails to anticipate the claimed invention under 35 U.S.C. § 102.

In particular, in the Examiner's Answer, the Examiner asserts that *Zollinger* updates database tables and that such teaching reads on "changed characteristic value." The Examiner goes on to interpret "retrieving the identity of a first entity" in the claimed invention as being equivalent to validating clients and retrieving pertinent information regarding client copies of the master database stored in the client system in *Zollinger*. The Examiner goes on to state that *Zollinger* discloses a profile database which contains information on the authorized client database tables which are authorized to receive updates from the central synchronizer. The Examiner concludes, based on the above, that *Zollinger* anticipates the claim limitation "retrieving the identity of the first entity based on the change characteristic value."

Appellant respectfully asserts that the Examiner's further clarification of *Zollinger* fails to support the Examiner's conclusion that *Zollinger* anticipates the claimed invention under 35 U.S.C. § 102.

As explained in the Appeal Brief, the claimed invention includes retrieving the identity of an entity based on changed characteristic values. (Appeal Br. 10-15). In other words, it is the change in the characteristic values in product information that causes the identity of an entity to be retrieved. *Zollinger* does not disclose this feature of the

claimed invention. In particular, although *Zollinger* retrieves information about a client, however, such retrieval is based on a request for information from the client and not based on changes to the information. For example, *Zollinger* may store and update product information, such as price information, in its database. But changes to that information do not form a basis for retrieving the identity of an entity. Changes to that information are simply stored in the database to be accessed by a user at a later time, if desired. Indeed, it is only when the client logs into the *Zollinger* system and requests information or data from the system that the identity of the client is retrieved. Thus, in *Zollinger*, a client is not sent information because of changes in the information. Rather, users requiring updates must request information. Further, there is no association between clients and changes to information. The only way for a client to know about such changes is to request information at which point it will receive the latest information.

Thus, Appellant respectfully submits that *Zollinger* does not anticipate the claimed invention as recited in claims 1, 6, 12 and 15 for at least the above reasons.

CONCLUSION

Appellant respectfully submits that the limitation "setting one or more distinct update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code" is found in the claimed invention. In addition, the Examiner's further clarification fails to show that *Zollinger* anticipates the claimed invention under 35 U.S.C. § 102.

Accordingly, it is respectfully submitted that the Examiner erred in rejecting claims 1, 2, 4-9, 12 and 14-20 and a

Application No.: 09/805,534

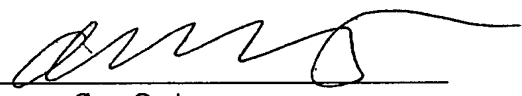
Docket No.: SONY 3.0-026

reversal of such rejections by this Honorable Board is solicited.

Dated: June 4, 2007

Respectfully submitted,

By


Arthur S. Ortega

Registration No.: 53,422

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

768369_1.DOC